



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
MARCH 11, 2008

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The meeting was called to order by Chairman Ted Farah at 7:35 PM.

Present were Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, David Manacek, Robert Melillo, Larry Stramiello, Andrew Wetmore and Alternate Jacqueline Perez-Ares. Also present was Planning Director Dennis Elpern.

Absent were Alternates Victoria Hickey and Thomas Spegnolo.

Mr. Melillo led the Commission in the Pledge of Allegiance.

Mr. Melillo made a motion to accept the minutes of February 26, 2008. Mr. Johnston seconded the motion and it was passed unanimously.

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PUBLIC HEARING:

7:30 PM - Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Section 3.G.3. of the Zoning Regulations. (Amend Accessory Buildings & Uses in Residential Districts).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Commission recommendation which was positive.

Dennis Elpern spoke in favor of this petition. He explained that there is a recurring problem regarding the placement of bus shelters between the street line and the front line of the structure. He said it has come up recently on several projects, so it was decided to amend the Regulations. He said this also adds language to prevent garages from being placed in the front yard setback. These bus shelters are quirky little things, they are considered a structure because is it permanently affixed to the ground. And for that reason they have to meet the setback requirements for accessory buildings, which is where the problem lies. He said the proposed language will allow a bus shelter to be placed in front yard but will prevent other accessory uses from being placed in front yard.

Chairman Farah asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Wetmore seconded the motion and it was passed unanimously. Mr. Melillo made a motion to move this to

number two under Old Business. Mr. Johnston seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Crystal Beach Development Corp., Reynolds Rd. a.k.a. St. (#I09062) for a Change of Zone from RA-40 to RR-10. Public hearing closed 2/26/08 - decision must be made by 5/1/08.

Mr. Haddad excused himself as he is abstaining from this matter. Chairman Farah asked Ms. Perez-Ares to take his place for this matter. Chairman Farah then said Mr. Manacek also is not eligible to vote on this as he was not present for the public hearing but there are no other Alternates present, so there is no one to take his place. He asked for discussion on this matter. Mr. Johnston made a motion to approve this for a stipulation about the use of the parcel. Mr. DiCaprio seconded the motion. Mr. Melillo asked Mr. Elpern to explain about why they couldn't put that kind of stipulation on this decision. Mr. Elpern explained that to try to restrict how they could use the land would be contract zoning and that is prohibited in the State of Connecticut. Mr. Johnston said he would restate his motion without the stipulation. Mr. DiCaprio again seconded the re-stated motion. Mr. Elpern reminded them that they needed to state a reason for the decision. Mr. Johnston said

- This will not permit additional units because apartment houses are no longer allowed in the RR-10 Zone. Also, this is consistent with the Plan of Conservation & Development.

Chairman Farah called a roll call vote and the motion to approve was passed with an 8-1 vote (one abstention for the absent seat).

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Mr. Haddad returned to the meeting at this time.

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Section 3.G.3. of the Zoning Regulations. (Amend Accessory Buildings & Uses in Residential Districts).

Chairman Farah said since they had just heard this petition this evening and all of the regular members are present, they are all eligible to vote. He then asked for discussion and/or a motion. Mr. Melillo made a motion to approve this petition for the following reasons:

- This language will allow for bus shelters to be placed where they can be of value to the development and also will prevent accessory uses from being placed in the front yard.

Mr. Johnston seconded the motion. Mr. Haddad suggested changing the word development to community. Mr. Melillo restated the reason with the changed language:

- This language will allow for bus shelters to be placed where they can be of value to the community and also will prevent accessory uses from being placed in the front yard.

Mr. Johnston agreed with the change and reiterated his second to the motion. Chairman Farah then called the vote and the motion to approve was passed unanimously by voice vote.

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NEW BUSINESS:

Petition of Michael J. Halas d/b/a to Amend Section 4.A.5.f.(9) of the Zoning Regulations. (Clarify farming operations permitted in the RA zones). *Public hearing scheduled for April 8, 2008.*

Mr. DiCaprio made a motion to refer this to the Planning Commission. Mr. Wetmore seconded the motion and it was passed unanimously.

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Chairman Farah noted that there was nothing under Correspondence or Other Matters. Under For Reference Only were the public hearings scheduled for March 25, 2008.

At 8:05 PM, Mr. Wetmore made a motion to adjourn. Mr. Manacek seconded the motion and it was passed unanimously by voice vote.